

ARC920010012US1
09/863,268**REMARKS**

This amendment is in response to the Examiner's Office Action dated 11/30/2005. Reconsideration of this application is respectfully requested in view of the foregoing amendment and the remarks that follow.

STATUS OF CLAIMS

Claims 1-27 are cancelled. Claims 28-55 are newly added.

Claims 1-27 are rejected.

Claims 1-8, 14-22, 24, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (6,675,151).

Claims 9-13, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (6,675,151) in view of Robert English's "Locked in Your Car? You Can Choose Who Helps You In and Out of Your Jam".

OVERVIEW OF CLAIMED INVENTION

The presently claimed invention relates to identifying sales opportunities occurring as the result of unexpected periods of inactivity. After a window of opportunity is identified, the event is analyzed with associated database rules. For instance, based on some history data, an event is dropped if the identified event did not produce enough sales at previous times. If the likelihood of producing more sales is high enough, appropriate sales channels are then searched to select a service provider. An event notification is sent to the selected service provider matching the requirements needed, and event information is then stored in a database for future event matches.

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REJECTIONS UNDER 35 U.S.C. 103(a)

Claims 1-8, 14-22, 24, and 26-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (6,675,151). This rejection is respectfully traversed.

This amendment cancels claims 1-27 and replaces them with new claims 28-55, which define more clearly over Thompson et al. (6,675,151).

Independent system claim 28 includes the limitation “said event matcher receiving said event from said distribution channel analyzer if said distribution channel analyzer determines that said event is likely to generate said increase in sales”, and similarly the other independent claims 42 and 55, directed to an e-commerce method and to a computer program product respectively, include the limitation “analyzing said at least one sales opportunity to determine whether said sales opportunity is a beneficial opportunity likely to generate an increase in sales”.

The above limitations are supported in the specification, for example at page 13, lines 3-7 “For instance, based on some history data from Event DB 318, an event is dropped if there is a rule that the identified event was already dispatched on the same day, or the identified event did not produce enough sales at previous times. The likelihood of producing more sales is not high enough, so the analyzer 308 makes the decision not to pursue matching a service provider with the event”. No new matter is therefore added thereby.

In contrast, Thompson et al. relates to labor substitute fulfillment. The system of Thompson et al. responds to entry of a temporary absence of a worker, e.g. column 10, lines 19-21 “The substitute fulfillment operation is initiated when the system 10 identifies and schedules an absence in step 78.” Thompson et al. then identifies potential replacements for the absent worker, e.g. see column 11, lines 38-41 “In a preferred embodiment, the substitute fulfillment system 10 may compile a list of preferred replacements and a back-up list of acceptable

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replacements". The office action alleges that such steps constitute identifying an unexpected change and selecting a service provider respectively.

However, Thompson et al. does not disclose any mechanism comparable to analyzing the likelihood of an increase in sales. The office action relies upon column 2, lines 34-48 and/or column 9, lines 37-45 of Thompson et al. in relation to the distribution channel analyzer or the analyzing step of the present invention, when discussing former claims 1, 14, 15 and 27. These passages merely relate to establishing the appropriate qualifications of acceptable substitute workers, and do not relate to analyzing a likelihood of an increase in sales, or indeed to analyzing a likelihood of an increase of any other quantity. Nor is this taught anywhere else in Thompson et al., and neither is there any suggestion that it would be obvious.

Claims 28-55 are therefore allowable over Thompson et al.

Claims 9-13, 23 and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (6,675,151) in view of Robert English's "Locked in Your Car? You Can Choose Who Helps You In and Out of Your Jam" (hereafter 'English'). This rejection is respectfully traversed.

English relates to a roadside assistance system, specifically the system known as Onstar, and states in pertinent part that "General Motors of Canada Ltd. Includes roadside assistance for new car buyers, but also now offers an emergency system called Onstar, which makes use of the global positioning satellite system and the cellular network to get help to a driver with problems. Onstar, which you buy as an option and pay a monthly fee to use, can do such things as unlocking your car via a satellite signal, or even summoning aid if you've had a crash and are incapacitated".

English does not supply the deficiency in Thompson et al. in relation to the rejection over Thompson et al. when taken alone, *supra*, and the rejection over Thompson et al. in view of

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English is directed only to dependent claims. Therefore, as independent claims 28, 42 and 55 are allowable, the claims that depend therefrom are also allowable.

Claims 28-55 are therefore also allowable over the combination of Thompson et al. with English.

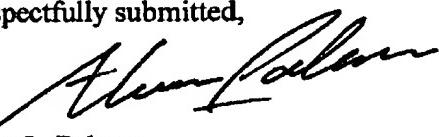
SUMMARY

As has been detailed above, none of the references, cited or applied, provide for the specific claimed details of applicants' presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

As this amendment has been timely filed, no petition for extension of time or associated fee is required. However, the Commissioner is hereby authorized to charge any deficiencies in the fees provided to Deposit Account No. 09-0441.

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicants' representative at the below number.

Respectfully submitted,


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